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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1252nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 23 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

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Combined seventh and eighth periodic reports of China (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of China (continued) (CEDAW/C/CHN/7-8; CEDAW/C/CHN/Q/7-8 and Add.1; HRI/CORE/CHN/2010; CEDAW/C/CHN-HKG/7-8; HRI/CORE/CHN-HKG/2010; CEDAW/C/CHN-MAC/7-8; HRI/CORE/CHN-MAC/2010)

1. *At the invitation of the Chairperson, the delegation of China took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Song** Xiuyan (China) said that some temporary special measures incorporating assessment mechanisms — for example, low-interest loans — had been implemented to help women.

3. **Mr. Wei** Xiaoying (China) said that recent measures to help the Tibetan population, including women, included a loan programme from which many entrepreneurs had benefited, universal free medical care, and financial support for the children of farmers and herders. The region had been the first in the country to benefit from the basic living standard scheme.

4. **Mr. Sun** Ang (China) said that the authorities had conducted a thorough investigation into the operations of "black jails" in various places, including Beijing. One court had convicted 9 people of the crime of illegally imprisoning others, while another court had handled six such cases, in which 13 people had received jail sentences. Such examples showed that his Government thoroughly investigated cases of illegal imprisonment.

5. **Mr. Yi** Peizhuang (China) said that all NGOs operating in conformity with Chinese law had their registration requests approved. The procedures for the registration of NGOs had been simplified, so that the number of registered NGOs in mainland China stood at 500,000 or more, compared with 1990, when they had numbered only 40,000.

6. **Ms. Wu** Xiaofang (China) said that the rule of law prevailed in China and that its courts operated independently. Starting in 2015, all court decisions would be published online for greater transparency.

7. **Mr. Chen** Jialin (China) said that criminal proceedings were launched against female prostitutes only when there was a danger of spreading disease. When prostitutes were detained, it was in order to provide them with moral education and medical care.

8. **Mr. Sun** Ang (China) said that, while the Convention was a very important document for China, court decisions in cases relating to women's issues usually cited national law as it covered those issues in more detail than the Convention.

9. **Ms. Su** Fengjie (China) said that her Government valued, and would continue to strengthen, its cooperation with civil society organizations. In formulating policy it often sought the views of the public and NGOs. For example, the latter had provided input for the Programme for the Development of Chinese Women.

10. **Mr. Wang** Kai (China) said that efforts were being made in China to eliminate stereotypes and discrimination regarding women. Women's contributions to society were highlighted not only in media campaigns and in school curricula but also in art and literature.

11. **Ms. Gao** Shawei (China) said that more than 20 provinces and some 100 cities had centres to assist victims of domestic violence. All coercive sexual conduct was considered rape and therefore a crime.

12. **Ms. Wang** Ying (China) said that in recent years her Government had carried out anti-trafficking operations that had identified over 30,000 cases of trafficking and led to the rescue of 128,000 children and 160,000 women. Disaggregated data on the topic were not available.

13. **Ms. Song** Xiuyan (China) said that judicial officials, including judges, prosecutors, and police and public security officials at various levels, underwent training on topics pertaining to their work.

14. **Ms. Wu** Xiaofang (China) said that there were training institutes for judges at various levels. Yearly training sessions for judicial officials and police officers included coverage of the gender perspective and women's rights.

15. **Ms. Song** Xiuyan (China) said that women's right to own land was enshrined in the law but was sometimes compromised when a woman's marital status changed. Various methods such as mediation and arbitration were used to resolve land disputes. New regulations governing land taken by the State would ensure that if the land belonged to a married couple, compensation was paid in both spouses' names.

Articles 7 to 9

16. **Ms. Pires** said that, according to the Working Group on the issue of discrimination against women in law and in practice, which had visited China in December 2013, the percentage of women at high levels of decision-making remained low. Given that China ranked sixty-second among the world's countries in terms of the representation of women in its legislature, perhaps temporary special measures were in order. Had there been an analysis of barriers impeding women's participation in political and public life? How did the State party ensure that women from ethnic minority groups and female candidates who did not belong to the Communist Party were not harassed as they sought to make their views heard? Had the reasons for low political participation by women in the Hong Kong and Macao Special Administrative Regions been studied? Was there any correlation between the increasing number of women in high-level private-sector posts and the number of women serving in the functional constituencies?

17. **Ms. Song** Xiuyan (China) said that indeed more efforts to boost women's participation were needed and that the Programme for the Development of Chinese Women addressed the issue.

18. **Mr. Shao** Yujin (China) said that the regional governments devoted attention to the participation of women from ethnic minorities in public and political life. For example, as of July 2013, some 35 per cent of civil servants in the Tibet Autonomous Region had been women.

19. **Ms. Tang** Aihua (China) said that the Constitution guaranteed freedom of religion and protected normal religious activities.

20. **Mr. Sun** Ang (China) said that citizens who were at least 18 years old had the right to vote and to run for office. Hindering the free exercise of those rights was an offence. He invited individuals aware of any such cases to report them to the Chinese authorities.

21. **Ms. Sun** Fengjie (China) said that migrant women could vote in the municipality in which they were registered or the one where they worked.

22. **Ms. Tam** (Hong Kong, China) said that, although women in that region did run for public office, men seemed to have more success in being elected. There were ongoing

awareness campaigns to encourage women to participate in political life. A recent increase in the number of women occupying positions of responsibility in the private and public sectors seemed to be linked to improvements in education and political literacy.

23. **Ms. Chu** Lam Lam (Macao, China) said that women there had the right to vote and run for office, and that about half of registered voters were women. The second-highest-ranking official in the local government was a woman. Some 45 per cent of judicial workers were female.

Articles 10 to 14

24. **Ms. Halperin-Kaddari** asked whether the State party monitored the application of the new provision allowing children of migrants to register for university examinations in their place of residence. Was the State party considering abolishing the enrolment ceilings that currently limited the numbers of women admitted to study certain subjects, such as engineering and law? What steps were being taken to improve the living conditions and access to education of "left-behind girls" in rural areas? Were measures planned to give women with intellectual disabilities greater access to education and training?

25. **Mr. Bruun** urged the State party to incorporate an explicit definition of direct and indirect discrimination into its labour legislation. He asked what remedies were available to women who suffered discrimination regarding recruitment, wages or dismissal, how many related court cases had been brought and how they had been resolved.

26. Regarding the gap between women's and men's pay, he said that, according to information provided to the Committee, the average income of urban women as a percentage of urban men's income had dropped from 78 per cent in 1999 to 67 per cent in 2010. The gap had reportedly also increased in rural areas. Gender-based segregation with regard to types of jobs appeared to be a major factor in the gap. Despite the situation, the State party had not implemented the principle of equal pay for work of equal value. He asked how the State party intended to tackle the pay gap.

27. He welcomed the increase in maternity leave to 98 days, but asked what was being done to eliminate discrimination on the grounds of maternity towards women in the workplace. It was currently a cause for much concern as it involved not employing women because they had children, not paying maternity benefits and dismissing pregnant women.

28. The conditions of parental leave in Hong Kong and the argument to support the reservation to article 11, paragraph 2, of the Convention regarding maternity leave and pay were unacceptable. Maternity benefits could be funded by general social security contributions, thus easing the financial burden on any single employer. He wondered whether the Hong Kong authorities might consider exploring that option and withdrawing the reservation? Lastly, what was the status of the current debate among the Chinese authorities on the retirement ages for men and women?

29. **Ms. Patten**, expressing her deep concern at the situation of domestic migrant workers in Hong Kong, which included exploitation by recruitment agencies and employers, excessive fee requirements, refusal to grant leave, confiscation of passports and arbitrary dismissals, asked what steps were being taken to investigate and sanction those acts. She also asked what measures had been adopted to repeal the "two-week rule" and the "live-in rule", and to waive the cost of visa extensions for migrant domestic workers seeking compensation for abuse and exploitation. Lastly, were there plans to extend the sexual harassment prevention system to all workplaces and to the civil service in China? Would the operation of sexual harassment prevention policies be enforced in all workplaces?

30. **Ms. Pimentel** requested information on measures to ensure access for all women, particularly those from vulnerable groups, to health services; on capacity-building and

improvement of services for victims of gender-based violence; on compensation for women who had contracted HIV/AIDS through blood transfusions using illegal blood collection; and on guarantees of confidentiality for women living with HIV/AIDS. She asked for details of the fines imposed on persons who carried out forced abortion, forced sterilization and female infanticide, how those funds were used and about measures to address corruption of local officials who enforced birth control. What procedures were in place to ensure access to family planning and reproductive health services for unmarried couples, single women and adolescents? What was being done to monitor the impact of environmental pollution on women's health? What measures were taken to address the alarmingly high rate of Caesarean sections in China? Lastly, she asked whether the Government envisaged developing programmes targeted at men under the project on common gynaecological diseases prevention and control survey.

31. **Ms. Gabr** expressed concern that the social security scheme, including health insurance, did not cover all provinces and asked when it would be extended. Furthermore, what was being done to protect the local languages and religious and cultural identity of the Tibetan community, and of the Uighur people, under their new circumstances? The literacy and training programmes introduced for the empowerment of rural women were commendable; however, it was also essential to ensure that women could fully exercise their landownership rights. More information would therefore be appreciated on the application of legislation on land contracts and on why it was not implemented in all provinces. She requested further information on the distribution of matrimonial property following divorce; on full and effective access by rural women to legal counsel; on the authority responsible for the payment of compensation following land expropriation; and on equal access to land for men and women. In addition, what was being done to improve wages for women agricultural workers, who earned less than the national average?

32. **Mr. Gao** Xuegui (China) said that migrant children were enrolled in schools based on their place of residency and that vocational training was offered to all women, including migrant women. Most secondary schools and universities had rectified the discrepancy between entrance-exam scores for boys and girls. Under new regulations, no quotas for women's enrolment in educational establishments were permitted, except in the fields of national defence and public security, and quotas for certain programmes in military institutions had been withdrawn.

33. Currently, women accounted for just over half of university enrolments, and, according to recent reports, there had been a small reduction in discrimination in education. The boarding schools for rural girls provided decent conditions, and ensured their welfare, and new Government targets had been set as to how they were run. Education programmes for women with disabilities had been implemented in larger towns and a government programme had been established to guarantee education for all girls and women with disabilities by 2016. Education was provided to girls and women with intellectual disabilities mainly by tutors who visited students at home to give practical and vocational training.

34. **Mr. Ma** Hezu (China) said that labour legislation in China guaranteed equal rights for men and women and that it was effectively implemented in the workplace. An increasing number of women were availing themselves of legal remedies, in correlation with their growing awareness of their labour rights. Wages were protected under labour law and rates were determined at sectoral level. Efforts would be stepped up to monitor observance of equal pay for equal work. Furthermore, women enjoyed full maternity protection and fines were imposed on enterprises that contravened the law in that respect. The current retirement age for women was 55 years for female cadres and 50 for other women workers. There were plans to raise the retirement age for women, enabling those at

senior levels to choose to work up to the age of 70, if so required. Information on any developments in that area would be transmitted to the Committee.

35. **Ms. Gao** Shawei (China) said that under regulations on sexual harassment in the workplace, companies or institutions must have a specific department or individual responsible for dealing with complaints of harassment. Employers were required to report cases brought to their attention, and sanctions were applied in cases of violation of the regulations . Campaigns to raise awareness of harassment were also run in workplaces.

36. **Ms. Liu** Ying (China) said that total health expenditure in China amounted to 5.2 per cent of GDP as at 2013. Various policies had been drawn up to improve women's and children's health, including specific programmes regarding maternal health, particularly for rural women and other vulnerable groups. Programmes had also been developed concerning hospital births, which were subsidized by the State, and treatment for HIV/AIDS and syphilis. The new rural cooperative medical care system covered 99 per cent of the rural population. Contributions could be made to either the urban or the rural health insurance scheme, regardless of the place of residence. Further subsidies for medical treatment and services were granted to women from poor households. Recent efforts on the prevention of sexually transmitted diseases involved awareness-raising campaigns on HIV/AIDS, safe sex and contraception. The rights of persons living with HIV/AIDS were upheld and institutions found responsible in cases of HIV/AIDS contraction through infected blood transfusion were required to pay compensation to the victims.

37. Laws on family planning which prohibited forced sterilization were enforced nationwide and any institutions that infringed those laws were held accountable. Maternity protection was guaranteed for women throughout pregnancy and premarital counselling and health-care services were available for unmarried women. Provision had been made for sexual and reproductive health education targeted at young people that covered such issues in textbooks and awareness-raising workshops.

38. Pursuant to the State's constitutional duty to protect the environment, the Government had adopted a number of laws and regulations to mitigate the health impact of pollution, including penalties for high polluting businesses. All the measures had yielded positive results. Replying to questions regarding women's sexual and reproductive health, she said that steps had been taken to enhance the oversight of the practice of caesareans, build capacity in that area, set up specialized medical teams and raise public awareness. In addition, the authorities were stepping up measures to prevent women's diseases, inter alia, by increasing access to and expertise in cancer screening.

39. **Mr. Ma** Hezu (China) said that retirement pension schemes had been piloted in urban and rural areas and would be harmonized shortly, then extended to the entire country by the end of 2015.

40. **Mr. Shao** Yujin (China) said that the Government of China and the Government of the Tibet Autonomous Region were collaborating to preserve Tibetan language, culture, customs and traditional medicine. For example, all legislation, official documentation and television and radio programmes were produced in Tibetan and Chinese.

41. **Mr. Zhang** Mou (China) said that the rights of rural workers who migrated to cities, including Uighur women, were upheld; their wages were in line with those of other workers and they were free to live by their customs. Government programmes were in place to assist migrant Uighur women in obtaining employment.

42. **Ms. Gao** Shawei (China) said that rural women could obtain State compensation in landownership disputes in a variety of ways, including conciliation, mediation and arbitration. Between 2011 and 2013, the people's courts had heard 500,000 cases relating to land rights, 19,000 of which concerned women. Legal aid was available; when women's

applications for such aid were rejected, they could appeal to women's federations for assistance.

43. **Ms. Song** Xiuyan (China) said that people abandoning agriculture for employment in the city was a natural consequence of industrialization. Nevertheless, programmes were in place to provide women who were left behind with training in crafts and agricultural practice. Grants and microfinancing helped bridge the gap between rural and urban wages.

44. **Ms. Tam** (Hong Kong, China) said that children with special needs, including those with intellectual disabilities, had equal opportunities in the field of education, either in mainstream or special schools. Although the delegation was open to the Committee's suggestions regarding parental leave, an insurance scheme was not practicable in Hong Kong. Nevertheless, a bill on paternity leave was being considered. The Sex Discrimination Ordinance (Hong Kong) was binding on both the private and public sectors and provided for tort proceedings in cases of sexual harassment. Replying to questions regarding foreign domestic helpers, she said that all cases of ill-treatment reported to the Labour Department were taken seriously and sanctions were imposed. The "live-in rule" was necessary as foreign domestic helpers were hired precisely because there was a shortage of live-in staff. The "two-week rule" was not intended for helpers to find alternative employment once their contracts expired; rather, they were meant to return to their country of origin to search for work. Possible exemptions from the rule were considered on a case-by-case basis.

45. **The Chairperson**, speaking in her capacity as an expert, suggested that new technologies could provide useful solutions for rural access to education.

Articles 15 and 16

46. **Ms. Halperin-Kaddari** asked whether the court political committees still existed and, if so, what their gender composition was. Although the Government acknowledged the low rate of female rural landownership, it emphasized mediation and community dispute resolution mechanisms. Yet those were not formal sources of law and overreliance on them amounted to de facto legal pluralism. Did the Government plan to intervene in villagers' committees to ensure the adequate representation of women and take over dispute resolution? Referring to a 2011 Supreme People's Court interpretation of the Marriage Law whereby property reverted back to the original purchaser upon the dissolution of marriage, she pointed out that it did not constitute substantive equality given that, in practice, men were most often the original purchasers. She wished to know whether the Government intended to clarify that law and perhaps overturn the Supreme People's Court decision in order to bring back the communal marital property regime. Reading from paragraph 476 of the report of Hong Kong (CEDAW/C/CHN-HKG/7-8), she asked whether the minimum marriage age remained 16 in that region.

47. **The Chairperson**, speaking in her capacity as an expert, asked whether it was true that unmarried young women were stigmatized.

48. **Mr. Sun** Ang (China) said that there had never been political committees within the courts. There were, however, trial committees composed of the presiding judge and senior judges who were competent to hear complex cases.

49. **Ms. Wu** Xiofang (China) said that, in August 2014, the Supreme People's Court had issued further guidance regarding the division of marital property. Property acquired before marriage reverted to the original purchaser; however, when payments on the property had been made jointly during the marriage, the spouse who had not originally purchased it was entitled to compensation. Housewives who did not earn an income during the marriage were considered to have contributed to the mortgage. Therefore, the relevant provisions of the Marriage Law were not considered as violating women's rights.

50. **Mr. Yi** Peizhuang (China) said that women had the right to vote in elections and, in fact, were often more active than men in that regard. They could also be elected as heads of villagers' committees. In accordance with the law, at least one third of villagers' committee members should be women. Currently, nearly 12 per cent of heads of those committees and 28 per cent of their members were women.

51. **Ms. Tam** (Hong Kong, China) said that the Law Reform Commission had published a series of reports on children's rights and parental responsibilities, including recommendations regarding the minimum marriage age.

52. **Ms. Pimentel** invited the delegation to comment on concerns about the infanticide of girls and children with disabilities.

53. **Ms. Hayashi** requested confirmation that women who infringed the one-child policy were liable to financial penalties. Noting with surprise the absence of any female opposition or independent representatives in the National People's Congress, she asked whether female candidates for other parties were intimidated or threatened and whether the authorities investigated allegations to that effect.

54. **Ms. Wang** Ying (China) said that infanticide was an offence under the Criminal Code and incurred harsher penalties if the murdered child had a disability.

55. **Ms. Liu** Ying (China) said that population control regulations stipulated that persons who exceeded the authorized number of children had to pay a social maintenance fee.

56. **Mr. Sun** Ang (China) said that all Chinese citizens over 18 were entitled to participate in elections. Any infringements of that right should be reported.

57. **Mr. Chen** Jialin (China) said that, under the Electoral Law, candidates were to be nominated by a group of at least 10 people and then selected by their party.

58. **Ms. Song** Xiuyan (China), speaking on behalf of her delegation and those of the Hong Kong and Macao Special Administrative Regions, said that China was intent on finding a human rights approach that took into account the country's socialist features. The Government was aware that many gaps and challenges remained, it would consider carefully the Committee's recommendations and it looked forward to further cooperation. She invited the Committee members to visit China at a mutually convenient time in order to see for themselves the actual situation of women's rights in the country.

59. **The Chairperson** thanked the delegation for the spirit in which it had taken part in the dialogue. She urged the State party to continue and intensify its implementation of the Convention, ratify other international human rights instruments and foster greater dialogue with civil society.

The discussion covered in the summary record ended at 5.20 p.m.